

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Melanie M. Pendarvis,

Plaintiff,

vs.

Carolyn W. Colvin, Acting Commissioner  
of Social Security Administration,

Defendant.

Civil Action No. 0:13-487-RMG

**ORDER**

This matter comes before the Court on Plaintiff's motion for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Dkt. No. 33). Plaintiff seeks an award of \$5,739.39, representing 15.1 hours of attorney time at \$191.35 per hour for Robertson Wendt, 20 hours of attorney time at \$125.00 for Geoffrey Wendt, and \$350.00 in costs. (Dkt. Nos. 24-1, 24-5). The Commissioner has advised the Court she does not oppose Plaintiff's motion. (Dkt. No. 25).

The Court has reviewed the motion and memorandum of Plaintiff, as well as the supporting underlying documentation, and finds that the total fee request, hours expended, and hourly rates are reasonable and authorized under applicable law. *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002). Therefore, the Court hereby grants an EAJA award to Plaintiff in the amount of \$5,389.39 for attorney fees and \$350.00 in costs, as set forth above. This award is subject to the Treasury Offset Program, 31 U.S.C. § 3716(c)(1)(B). In the event Plaintiff has no present debt subject to offset and Plaintiff has executed a proper assignment to her counsel, Defendant is

directed to make the payment due herein to Plaintiff's counsel. If Plaintiff has no present debt subject to offset and no proper assignment has been made by Plaintiff to her counsel, Defendant is directed to make the check due pursuant to this Order payable to Plaintiff and to deliver the check to Plaintiff's counsel.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

Richard Mark Gergel  
United States District Judge

August 12, 2014  
Charleston, South Carolina